

SAFEGUARDS INFORMATION

February 1, 2011

EA-10-214

Mr. David Heacock
President and Chief Nuclear Officer
Dominion Nuclear, Connecticut, Inc.
Innsbrook Technical Center
5000 Dominion Boulevard
Glen Allen, VA 23060

SUBJECT: FINAL SIGNIFICANCE DETERMINATION FOR A SECURITY-RELATED
GREEN FINDING [NRC INSPECTION REPORT NOS. 05000336/2011403;
05000423/2011403] – MILLSTONE NUCLEAR POWER STATION

Dear Mr. Heacock:

This letter provides you with the U.S. Nuclear Regulatory Commission's (NRC's) final significance determination for a finding that was preliminarily determined to be of at least low to moderate security significance (Greater than Green). The finding was identified during an NRC inspection conducted at the Millstone Nuclear Power Station (Millstone) from August 16, 2010 – September 28, 2010, and was presented at an exit meeting held on September 28, 2010. The finding was discussed in detail in the subject inspection report issued on November 9, 2010. Dominion Nuclear Connecticut, Inc. (Dominion) has taken immediate corrective actions to address any security-related vulnerability. The nature of the security-related finding, and the corrective actions taken to address the issue, are considered safeguards information (SGI) and are not included in this letter, but are described in the non-public enclosure.

Our November 9, 2010, letter also offered Dominion the opportunity to attend a Regulatory Conference or reply in writing to provide its position on the facts and assumptions the NRC used to arrive at the finding and its security significance. At Dominion's request, a Regulatory Conference was held on January 6, 2011, at the NRC's Region I office in King of Prussia, Pennsylvania with Leslie Hart, Vice President Nuclear Support Services, and other members of your staff. During the meeting, Dominion staff described Dominion's assessment of the significance of the finding and the corrective actions taken to resolve the issue. Dominion disagreed with the proposed significance of the issue, and presented new information to support Dominion's position.

After further consideration of the information developed during the inspection, and the additional information your staff provided at the conference, the NRC has concluded that the inspection finding is of very low security significance and should be characterized as Green. The NRC has also determined that the finding is associated with a violation of NRC requirements. The NRC is treating the issue as a non-cited violation in accordance with Section 2.3.2.a of the NRC Enforcement Policy because: 1) the violation was of very low security significance; 2) compliance was restored immediately upon identification of the issue; 3) the violation was

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entered into your corrective action program; and, 4) the violation was determined to be neither repetitive nor willful. The basis for the NRC's significance determination and discussion of the violation are provided in the attached Enclosure, which also contains SGI and, therefore, is non-public.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room located at NRC Headquarters in Rockville, MD, and from the Publicly-Available Records (PARS) component of NRC's document system, ADAMS. ADAMS is accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). However, because of the security-related concerns contained in the enclosure, and in accordance with 10 CFR 73.22, a copy of this letter's enclosure will not be available for public inspection. In addition, the NRC is waiving the affidavit requirements for your response, if any. This practice will ensure that your response, if you choose to provide one, will not be made available electronically for public inspection in the NRC Public Document Room or from ADAMS. If Safeguards Information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21. Otherwise, mark your entire response, "Security-Related Information – Withhold Under 10 CFR 2.390," and follow the instructions for withholding in 10 CFR 2.391(b)(1).

Sincerely,

/RA/

Silas R. Kennedy, Acting Chief
Plant Support Branch 1
Division of Reactor Safety

Docket Nos. 50-336; 50-243
License Nos. DPR-65; NPF-49

Enclosure: As Described (**CONTAINS SAFEGUARDS INFORMATION (SGI)**)

cc w/encl; w/SGI:

J. Curling, Acting Security Department Manager
F. Murray, President and CEO, NYSERDA, State of New York
R. Frazier, New York State Office of Homeland Security
E. Wilds, Jr., PH.D., State Liaison Officer, State of Connecticut

cc w/o encl; w/o OUO-SRI: Distribution via ListServ

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